

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
BRIAN PORTERA,

Plaintiff,

-against-

THE CITY OF NEW YORK, a municipal entity, et al.,

Defendants.  
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**NOTICE OF MOTION TO  
FILE A FIRST AMENDED  
COMPLAINT**

05-CV-9985 (KMK) (JCF)

ECF Case

**PLEASE TAKE NOTICE** that plaintiff moves before the Honorable Magistrate Judge James C. Francis, IV of this Court, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order granting plaintiff leave to file a First Amended Complaint adding: (1) multiple defendants who have been identified in discovery as responsible in whole and/or in part for the alleged violations of the plaintiff's civil rights; (2) a constitutional challenge to the defendants' admitted policy of fingerprinting all persons arrested in connection with the 2004 Republican National Convention ("RNC") and (3) a constitutional challenge to the alleged policy and/or practice of instituting a system of sworn statements by police officers to attempt to justify unlawful and indiscriminate mass arrests.

**PLEASE TAKE FURTHER NOTICE**, that in support of the within motion, the plaintiff will rely upon the attached Memorandum of Law in Support of Motion for Leave to File a First Amended Complaint, including the proposed First Amended Complaint and the other exhibits attached thereto.

Dated: New York, New York  
August 27, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
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